

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.12926 of 1997

Dated 7th day of February, 2007

Between:

Dar-Us-Salam Educational Trust,
Dar-Us-Salam, Hyderabad-500 001,
rep. by its Chairman,
Shri Sultan Salahuddin Dwaisi
.. Petitioner

And

The Govt. of Andhra Pradesh
rep. by its Secretary,
Minority Welfare Department,
Secretariat Buildings, Hyderabad
and another
.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus to declare the action of the respondents in not granting minority status and permanent affiliation to the Deccan Medical College and the decision of the 2nd respondent in Procs.No.1712/Aa/89, dated 10.6.1997 nominating members of the University of Health Sciences to the Governing Body of the petitioner, as arbitrary and illegal, and consequently to direct the 1st respondent to declare the Deccan Medical College as a Minority Institution, and also to direct the 2nd respondent to grant permanent affiliation without reference to the Statute on Affiliations of University of Health Sciences.

The brief facts of the case are that the petitioner is a Muslim Minority Trust, which started an Industrial Training Institute College in 1976 and since then it has been running a number of Educational Institutions for minorities in the State. The Govt. of A.P. issued G.O.Ms.No.675 M&H Medical & Health (E1) Department, dated 7.9.1984 approving the establishment of a Minority College viz. Deccan Medical College by the petitioner at Hyderabad. Based on the permission granted by the Government, the Osmania University, permitted the petitioner to an intake of 100 students for the academic year 1984-85. The Registrar of Osmania University informed the petitioner that the permission was provisional and a regular inspection commission would be appointed by the University to verify and advise further conditions if any to be fulfilled by the college. Later, the university laid

down two conditions. The Govt. vide G.O.Ms.No.383 M&H, Medical and Health (E1) Department, dated 10.6.1986, cancelled with immediate effect the approval accorded by the Government. Then, the petitioner made a representation to the University on 31.10.1995 to reconsider the entire issue in the "correct perspective". The University of Health Sciences, by its letter dated 29.12.1995, sent a Proforma Application with the prescribed conditions to be undertaken by the College for permanent affiliation. The conditions include an undertaking by the petitioner that it shall conform and abide by the provisions of the University Act, Statutes, Ordinances and Regulations and such provisions include Standing Orders of the Executive Council. The University also resolved that the Deccan Medical College should have a Governing Body/Managing Committee as per the Provisions of Statute of Affiliations and Rules of University of Health Sciences. The petitioner communicated about the Governing Council of its College to the University. On 7.11.1996, the University brought to the petitioner's notice, the provision of the statute requiring a nominee of the Government and two nominees of the University to the Governing Council. The petitioner was constrained to make a representation to the University on 28.5.1995 stating that insistence on Statute No.2(4) would violate the constitutional guarantees. Now, the petitioner's grievance is that even after receiving the representation, the University of Health Sciences issued the impugned proceedings nominating two members to the Governing Body of the Deccan Medical College and not granting

permanent affiliation to it.

When W.P.M.P.No.15548 of 1997 in W.P.No.12926 of 1997 came up for hearing on 24.3.1998, a Division Bench of this Court was pleased to pass the following order:

“There is no dispute that the college is being run since 1986. It has been granted permission to admit 150 students. Further the Government in G.O.Ms.No.470, dated 4.12.1997 recommended recognition of the college as a minority institution subject to certain conditions, which are already referred to supra. In such view of the matter, there cannot be any objection to University of Health Sciences to consider the petitioner’s case for permanent affiliation. The University of Health Sciences is accordingly directed to consider the petitioner’s case for permanent affiliation on such terms and conditions which it considers expedient.”

According to the learned counsel for the petitioner, in spite of the interim orders, the University of Health Sciences has not passed any order either granting permanent affiliation or rejecting it, but granted temporary or provisional affiliation every year which is causing any amount of hardship.

In the light of the submission made by the learned counsel and also the interim orders, this Court deems it appropriate to direct the 2nd respondent-University of Health Sciences to consider the representation of the petitioner and pass appropriate orders in accordance with the terms of the interim orders, provided, the petitioner complies with all the requirements. This exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is
disposed of. No costs.

07.02.2007
bcj